

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Hydreon Corporation, a Minnesota
corporation,

Case No. 15-cv-01917 (SRN/JSM)

Plaintiff,

**ORDER AWARDING
ATTORNEY'S FEES AND COSTS**

v.

JC Brothers, Inc., a California corporation,

Defendant.

The above-entitled matter came on before the Court on Plaintiff Hydreon Corporation's ("Hydreon's") application for attorney's fees and costs. For the reasons set forth below, Hydreon's request is granted.

I. BACKGROUND

On November, 18, 2016, this Court entered its Findings of Fact, Conclusions of Law and Order for Default Judgment and Permanent Injunction ("the Order" [Doc. No. 23]) against Defendant JC Brothers, Inc. In the Order, the Court found that this is an "exceptional" case due to the willful and egregious conduct of Defendant, entitling Hydreon, the prevailing party, to an award of attorney's fees and costs for its claims arising under the Patent Act and Lanham Act. (Order at 22-23) (citing 35 U.S.C. § 285; 15 U.S.C. § 1117(a); Halo Elecs., Inc. v. Pulse Elecs., Inc., 831 F.3d 1369, 1381; 3M Co. v. Mohan, 482 Fed. App'x 574, 580 (Fed. Cir. 2011)). The Court therefore directed Plaintiff to submit an application for attorney's fees and costs supported by an affidavit and time records. (Id. at 27.) Plaintiff timely filed the Declaration of Shawn M. Perry

[Doc. No. 25], along with billing and cost records [Doc. No. 25-1]. As Defendant has entered no appearance in this matter, Plaintiff's application for attorney's fees and costs is unopposed.

II. DISCUSSION

Having previously determined that attorney's fees and costs are warranted, the Court must determine the amount of the award. Hydreon contends that it has incurred \$17,157.50 in attorney's fees and \$897.50 in costs in prosecuting its case. (Exs. A & B to Perry Decl.) The itemized billing statements submitted by Plaintiff's counsel provide a detailed description of the work performed, as well as the date, identification of the timekeeper, hourly rate, and total amount. (Ex. A to Perry Decl.) Likewise, the costs incurred by Plaintiff's counsel are similarly descriptive and date-specific. (Ex. B to Perry Decl.) Based on this Court's review of the Perry Declaration and Plaintiff's records, the Court finds that the requested fees and costs were necessarily incurred and are reasonable and not excessive in light of the work performed. Accordingly, the Court grants Hydreon its requested award of attorney's fees in the amount of \$17,157.50 and costs in the amount of \$897.50, for a total award of \$18,055.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. Plaintiff shall be awarded a total of \$18,055 in attorney's fees and costs against Defendant.

DATED: December 12, 2016

s/Susan Richard Nelson
SUSAN RICHARD NELSON
UNITED STATES DISTRICT JUDGE